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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,733	07/30/1999	BYOUNG-JO J. KIM		8486

7590 06/05/2002

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EXAMINER

SHAH, CHIRAG G

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

# Office Action Summary

Application No.

09/363,733

Applicant(s)

KIM ET AL.

Examiner

Chirag G Shah

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 7/30/94.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 14, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 12, 13, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings filed on 7/30/99 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, 7-11, 14, 15, and 18 rejected under 35 U.S.C. 102(e) as being anticipated by Bishop (U.S. Patent No. 6,377,782).

Referring to claims 1, 8, and 15, Bishop discloses a method and an apparatus for communicating between a client device and a linear broadband network. Referring to figures 1 and 2, Bishop teaches of a subscriber access interface device (SAID), which communicates bi-directionally with a network access interface device (NAID) coupled to a linear broadband network. The SAID accepts upstream communication signals and modulates and transmits the signal to the NAID. The NAID device receives and demodulates the signal and then modulates it for transmission on the linear broadband network. Referring to columns 7 and 8, SAID communicates with one of the NAIDs and provides LAN or wireless LAN connectivity at the subscriber premises or directly at a client device. It is evident that SAID can be viewed as an integrator as depicted by the invention.

Referring to claims 2 and 9, Bishop clearly shows in figure 8 and respective portions of the specifications, that there is a direct spread spectrum subscriber interface which is an IEEE 802.11 wireless DSS signal received by a receive antenna. Thus, the primary downstream function of the subscriber access interface unit is delivery of the appropriate signal to a designated destination client device.

Referring to claims 3 and 10, Bishop clearly shows in figure 7 and respective portions of the specification, that a power supply for providing power to SAID which in this case is viewed as the integrator.

Referring to claim 4 and 11, Bishop clearly shows in column 7 line 29 to column 8 line 22, that the destination client device is a uni-directional or bi-directional communication device and may be a telephone, a video device, a computer, or an audio device. Furthermore, the NAID receives downstream signal form a headend and wirelessly relays the downstream signal to the

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appropriate SAID (integrator), the integrator further distributes the downstream signal to an appropriate client device. Similarly, the integrator receives upstream signal from an initiation client device and wirelessly relays it to the NAID. Thus, an electronic device or a client is capable of transmitting and receiving at least one broadband radio signal to and from the integrator and an outside data communication source.

Referring to claims 7 and 14, Bishop shows in column 14, lines 7-45 and figure 3, that an analog initiating client device such as a legacy telephone generates an upstream analog signal. In order to convert the upstream analog signal to the upstream baseband signal, the upstream analog signal is digitized to produce a corresponding digital signal. Digitizing, encoding and formatting operations may occur within the SAID in which case the SAID receives the upstream analog signal directly. Thus, at least one broadband radio signal or communication data may be either analog or digital in nature as claimed.

Referring to claim 18, Bishop shows column 5, lines 40-63, that SAID, in this case being an integrator, receives an upstream baseband signal from a client device, modulates the upstream baseband signal onto at least one upstream wireless radio frequency carrier to produce at least one first upstream modulated carrier signal, and wirelessly transmits at least one first upstream wireless modulated carrier signal. Thus, the steps of processing, modulating and transmitting at least one RF signal is performed by the integrator as in claim 18.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop in view of Boer (U.S. Patent No. 5,706,428).

Referring to claim 17, Bishop discloses a method and an apparatus for communicating between a client device and a linear broadband network. Bishop also teaches of a wireless connection between the initiating client device and the SAID, known communication protocols such as Home RF, Bluetooth, or IEEE 802.11. The client or electronic device may include telephone, computer, video etc. Bishop fails to disclose explicitly that a local area antenna allows for transmission of at least one broadband radio frequency signal between the wireless local area radio and the electronic device. Referring to figure 1 and respective portions of the specification, Boer teaches wireless LAN which includes an access point which serves as base station and is connected to a cable which may be part of a backbone LAN connected to other devices and/or networks with which stations in the LAN may communicate. It is common knowledge that if a wireless network interface card on an electronic device (computer) is communicating with an access point (radio) wirelessly, then a local area antenna must be attached to or in the network interface card in order to receive and transmit packets and an RF signal. Therefore, it would have been obvious to one of ordinary skill to include the teachings of Boer in reference to wireless LAN into Bishop's invention to illustrate that a local area antenna allows for transmission between local area radio and electronic device.

*Allowable Subject Matter*

6. Claims 5, 6, 12, 13, 16, and 19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 20-22 allowed.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639. The examiner can normally be reached on M-F 7:30 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 301-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cgs  
May 22, 2002

  
Ajit Patel  
Primary Examiner